

**R277. Education, Administration.**

~~[R277-722. Withholding Payments and Commodities in the CACFP.~~

~~**R277-722-1. Definitions.**~~

- ~~A. "CACFP" means Child and Adult Care Food Program.~~
- ~~B. "Board" means the Utah State Board of Education.~~
- ~~C. "USOE" means the Utah State Office of Education.~~

~~**R277-722-2. Authority and Purpose.**~~

~~A. This rule is authorized under Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board, Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities and Section 53A-1-402(3) which permits the Board to administer funds made available through programs of the federal government.~~

~~B. The purpose of this rule is to specify payment procedures required of delinquent CACFP participants.~~

~~**R277-722-3. Payment Procedures.**~~

~~CACFP participants who do not pay commodity billings or respond to audit and review citations and overclaims, or both, are subject to the following:~~

~~A. If no appeal has been submitted on an overclaim citation or billing, claims for reimbursement shall not be paid unless a corrective action plan or arrangement for repayment of the overclaim, approved by the USOE, is received in the USOE prior to the end of the next whole claiming period following notice of delinquency.~~

~~B. If commodity charges are not paid within 30 days of billing, subsequent claims for reimbursement shall not be paid and commodities shall not be allocated or delivered until payment is received.~~

~~C. If response, payment, or appeal is not received by the USOE within 30 days plus a preceding whole claiming period, with notice of the delinquency, participation in CACFP is suspended and no reimbursements or commodity deliveries shall occur until response is received and approved by the USOE.~~

~~D. Delinquency of 60 days plus a preceding whole claiming period, with notice of delinquency, is cause for the permanent denial of previously unpaid reimbursements and continued denial of commodity allocations and deliveries. Participation shall be reinstated only with full payment of overclaims and commodity billings and initiation of corrective actions approved by on-site inspection at the reasonable convenience of the USOE.~~

**KEY: food aid programs**

**Date of Enactment or Last Substantive Amendment: 1987**

**Notice of Continuation: January 8, 2008**

**Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401(3); 53A-1-402(3)]**